

REMARKS

Applicants would like to express appreciation to the Examiner for the detailed official action provided. Upon entry of the present amendment, Figs. 1 and 3, and claims 1, 5, 7, 10 and 12 will have been amended and claims 2-3 and 6 will have been canceled. Claims 1, 4-5, 7-10, 12-14 and 25-33 are presently pending in the application, with claims 4, 8, 13, 25, 29 and 33 withdrawn from consideration as drawn to a non-elected species.

Objection to the Drawings

The Examiner has objected to the drawings, under 37 C.F.R. § 1.83(a), requesting that Applicants show appropriate crosshatching. In this regard, Applicants have amended Figs. 1 and 3 to show such crosshatching. No new matter has been added. Applicants thus respectfully request withdrawal of the objection to the drawings.

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 3, 7, 10, 12, 14, 28 and 32 under 35 U.S.C. § 112, second paragraph, as being indefinite. Regarding claims 3, 7 and 12, the Examiner has found the limitation “a first thread is formed on an inner periphery of a portion of the first inner diameter” to be misdescriptive and/or inaccurate. Regarding claim 10, the Examiner has found that the “consisting of” language to conflict with the “having” language. While Applicants respectfully disagree with the Examiner’s rejections under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand the claimed limitations prior to the present Amendment, especially since the Examiner was apparently able to examine these claims on the merits, without agreeing to the propriety of the Examiner’s rejection, Applicant has canceled claim 3 without prejudice or

disclaimer, amended claims 7 and 12 to recite --- a portion of a first thread is formed on an inner periphery of a portion of the first inner diameter---, and has deleted “having” at the appropriate place in claim 12, solely to expedite the patent application process. It is thus respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 102

In the outstanding Official Action, the Examiner rejected claims 1, 26 and 30 under 35 U.S. 102(b) as being anticipated by BAUER (U.S Patent No. 3,648,999), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that claim 1 has been amended to generally include, *inter alia*, the limitations of claim 3 (now canceled), which has not been rejected as being unpatentable over BAUER. In this regard, Applicants respectfully note that BAUER does not disclose at least the limitation of wherein a portion of a first thread is formed on an inner periphery of a portion of the first inner diameter of the spring support, and a second thread is formed on an outer periphery of the coupling ring, the first and second threads configured to threadably engage each other, as recited in independent claim 1.

In the outstanding Official Action, the Examiner also rejected claims 1, 3, 26 and 30 under 35 U.S.C. 102(b) as being anticipated by PHILIPS (U.S Patent No. 2,896,447), finding that this reference discloses each limitation of these claims. Applicants respectfully traverse the Examiner's rejection, and note that with respect to independent claim 1, PHILIPS fails to disclose at least a generally annular coupling ring configured to connect to the spring support and to mount on the spring. Specifically, as shown in Fig. 1 of PHILIPS, the “coupling ring” 9 identified by the Examiner is not configured to mount on the spring 3, but rather is mounted on the cam ring 7. Thus,

it is respectfully submitted that claim 1 (and the claims dependent therefrom) is patentably distinct from PHILIPS.

With respect to the Examiner's rejection of dependent claims 26 and 30 under 35 U.S.C. § 102(b), Applicant submits that these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claim 1, this claim and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 5, 7, 9, 27 and 31 under 35 U.S.C. § 103(a) as being unpatentable over COX in view of PETTY.¹ With respect to independent claim 5, the Examiner has found that COX teaches all limitations of these claims except for the three inner diameters, but has found that PETTY teaches such a feature, and concludes that it would have been obvious to use PETTY's three inner diameters in the device of COX. Applicants respectfully traverse the Examiner's rejection. Specifically, and as noted in Applicants' previous response of September 24, 2007 (all arguments proffered therein being expressly incorporated herein), Applicants assert that

¹ The Examiner has indicated that these claims have been rejected under 35 U.S.C. § 102(b), but Applicants assume that such rejection is a clerical error and that the Examiner intended to reject these claims under 35 U.S.C. § 103(a). Applicants request clarification in this regard.

PETTY only teaches two inner diameters. Applicants further respectfully traverse the Examiner's Response to Arguments regarding this limitation, in which the Examiner noted that reciting three inner diameters does not require that all three inner diameters be different. If such an assertion were true, if all three inner diameters were the same, then such would be only one inner diameter. Nevertheless, Applicants have clarified by explicitly reciting in claims 1, 5 and 10 that the inner diameters are different, this feature already having been implied in these claims.

Applicants further note that neither COX nor PETTY, taken alone or in any proper combination, anticipates or renders obvious at least the claimed feature of a plurality of fixation holes extending through the coupling ring and penetrately formed through the coupling ring, the plurality of fixation holes configured to accept a respective plurality of fixation tools, and further configured to apply a combining force between the spring support and the coupling ring and facilitate connection of said spring support to said coupling ring. This feature is disclosed in Applicants' specification at, *inter alia*, paragraph [0034] and Figs. 5 and 6. While PETTY discloses a plurality of sockets 34, these sockets are present only in the upper end of the ring 31 and are not penetrately formed through the "coupling ring." Thus, COX and PETTY, alone or in any proper combination, do not disclose at least the invention of independent claim 5.

The Examiner has maintained the rejection of claims 10, 12, 14, 28 and 32 under 35 U.S.C. § 103(a) as being unpatentable over PETTY in view of U.S. Patent No. 5,067,847 to MULLERNBERG. Specifically, the Examiner has found that PETTY teaches all limitations of these claims except for the holes 34 being threaded, but has found that MULLENBERG teaches such a feature, and concludes that it would have been obvious to use MULLENBERG's threaded holes in the device of PETTY. Applicants again respectfully traverse the Examiner's rejection for the reasons discussed *supra*, and again note that the "spring support" 10 of PETTY only discloses two inner

diameters A5 and A6, and that the Examiner's identified "third" inner diameter A7 is that of the Examiner's identified spring mount 30. Further, claim 10 recites the closed-ended "consisting of" (which has been clarified by the present amendment, as traversed and discussed *supra*), thereby requiring no more or less than first, second and third inner diameters. Again using the Examiner's (improper) claim construction (*i.e.*, the consideration of elements 10 and 30 as the spring support), then the spring support of PETTY would appear to have more than three inner diameters, which is outside of the claimed limitation. More specifically, PETTY and MULLENGERG, alone or in any proper combination, do not disclose at least the generally claimed spring support consisting of three inner diameters, in this order, a first inner diameter, a second inner diameter and a third inner diameter.

Nevertheless, solely to expedite the patent application process and without agreeing to the propriety of the Examiner's rejection, Applicants have amended independent claim 10 to more explicitly recite the claim limitations by generally incorporating the limitation that the spring mount is unitarily formed with the spring support. This feature is shown in a non-limiting embodiment in, *e.g.*, Fig. 5B.

To the contrary and as discussed *supra*, Applicants note that the "spring mount" 30 and the "spring support" 10 of PETTY are spaced apart from each other. Thus, PETTY and MULLENGERG, alone or in any proper combination, do not disclose at least the generally claimed spring mount unitarily formed with the spring support.

With respect to the Examiner's rejections under 35 U.S.C. § 103 of dependent claims 7, 9, 12, 14, 27, 28, 31 and 32, since these claims are dependent from one of allowable independent claims 5 and 10, which are allowable for at least the reasons discussed *supra*, these dependent claims are also

allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record.

For each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's rejections are inappropriate and improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an action indicating the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have traversed each of the Examiner's objections and rejections and have made appropriate amendments to the claim language to overcome various of the Examiner's objections to the claim language. Applicants have further amended the claims to clarify their recitations. Applicants have discussed the disclosure of each of the Examiner's references and have pointed out the shortcomings and deficiencies thereof with respect to the features recited in Applicants' claims.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*e.g.*, for cosmetic and/or clarification purposes and/or to render the claim terminology consistent throughout the claims), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Reuven UNGER et al.

Attachment: 2 sheets of replacement drawings

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